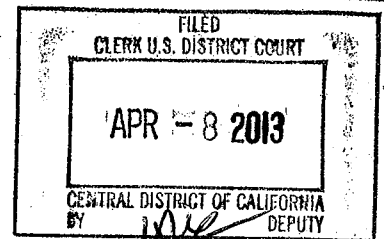


1 ANDRÉ BIROTTE JR.
United States Attorney
2 LEON W. WEIDMAN
Assistant United States Attorney
3 Chief, Civil Division
CAROL A. CHEN
4 Assistant United States Attorney
California Bar No. 212720
5 312 North Spring Street, Suite 1400
Los Angeles, California 90012
6 Telephone: (213) 894-2428
Facsimile: (213) 894-7819
7 E-mail: carol.chen@usdoj.gov



JS-6

8 Attorneys for RESPONDENT
9 Eric H. Holder, Jr.¹
United States Attorney General

10 UNITED STATES DISTRICT COURT
11 CENTRAL DISTRICT OF CALIFORNIA
12 WESTERN DIVISION
13

14 ARUTYUN DEMIRCHYAN,

15 Petitioner,

16 v.

17 ERIC H. HOLDER, JR., Attorney
18 General of the United States,

19 Respondent.
20

No. CV 08-3452 SVW (MANx)

~~[PROPOSED]~~ JUDGMENT

Hon. Stephen V. Wilson

21 This action came on for evidentiary hearings on August 25, 2009 and June 16,
22 2010 pursuant to the Ninth Circuit's order. See Demirchyan v. Mukasey, 278 Fed.
23 Appx. 778, 779 (9th Cir. 2008). At the hearings, the Court heard live testimony from
24 Susanna Demirchyan and Avag Demirchyan and received into evidence certain
25 exhibits. After considering the testimony of the witnesses, the exhibits admitted into
26 evidence at the evidentiary hearings and the parties' respective lists of exhibits to be
27

28 ¹ Pursuant to Rule 25(d)(1) of the Federal Rules of Civil Procedure,
Attorney General Eric H. Holder, Jr. is substituted for Alberto Gonzales.

1 moved into evidence, and in accordance with the Court's Findings of Fact and
2 Conclusions of Law entered on September 8, 2010, the Court entered judgment on
3 September 17, 2010], finding that Petitioner had failed to meet his burden of proving
4 that he is a United States Citizen and that he was not entitled to citizenship under
5 Title 8, United States Code, Section 1432(a).

6 The Ninth Circuit subsequently remanded the matter back to the Court upon
7 Petitioner's motion to supplement the record with "new evidence." On July 19, 2011,
8 Petitioner lodged twelve "new" exhibits with the Court. Thereafter, the parties
9 submitted briefing regarding the "new" exhibits pursuant to the Court's order. On
10 October 24, 2012, the Court conducted further evidentiary hearing regarding the "new
11 exhibits." During this further evidentiary hearing, the Court heard testimony from
12 Petitioner, Petitioner's mother, Asatur Guyumjyan, and Zara Hovanisyan and received
13 into evidence certain exhibits. After considering the testimony of the witnesses, the
14 parties' briefing, and documentary evidence regarding the "new" exhibits, and in
15 accordance with the Court's Supplemental Findings of Fact and Conclusions of Law
16 entered on March 28, 2013, the Court finds that Petitioner has failed to meet his
17 burden of proving that he is a United States Citizen and as such,

18 IT IS HEREBY ORDERED, ADJUDGED AND DECREED that judgment is
19 entered in this action as follows:

- 20 1. Petitioner is not entitled to citizenship under 8 U.S.C. § 1432(a);
- 21 2. Respondent shall recover from Plaintiff its costs in a sum to be submitted
22 in a Bill of Costs filed pursuant to the Local Rules of the Central District
23 of California and this Judgment.

24 //

25 //

26 //

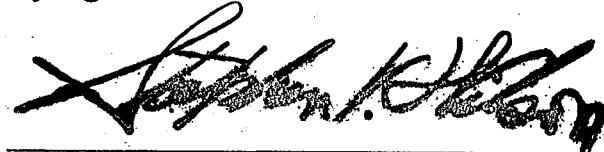
27 //

28 //

1 3. This case is returned to the Ninth Circuit for further proceedings.
2 The Clerk is ordered to enter this judgment.

3
4 DATED:

4/8/2013


HONORABLE STEPHEN V. WILSON
UNITED STATES DISTRICT JUDGE

6
7 RESPECTFULLY SUBMITTED

8 ANDRÉ BIROTTE JR.
9 United States Attorney
10 LEON W. WEIDMAN
11 Assistant United States Attorney
12 Chief, Civil Division

11 
12 CAROL A. CHEN
13 Assistant United States Attorney

14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Attorneys for Respondent